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REMARKS

Claims 1-5, 8, 10-13, and 17-25 are pending in the present application after this amendment adds new Claims 23-25. Claims 1, 2, 3, 4, 11, 17, 19, and 20 are amended. No new matter is added by the amendments and new claims. In view of the amendments and the following remarks, favorable reconsideration of this case is respectfully requested.

Applicants note with appreciation that the Examiner has withdrawn the finality of the previously presented rejection and acknowledges that Claims 8 and 10 are directed to patentable subject matter.

Claims 2, 3, 4, 10-13, and 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse.

Claim 2 is amended as suggested by the Examiner to add the proper antecedent basis.

Claim 3 is amended as suggested by the Examiner with regard to the cell electrode being used in an electrochemical cell. Furthermore, the claim is amended to recite that the electrochemical cell includes another electrode, and therefore the amendment responds to the Examiner's discussion of the practicability of a redox reaction and provides antecedent basis for "both electrodes".

Claim 4 is amended to recite that "further comprises one or more of benzimidazole and its derivatives". It is respectfully submitted that the claim, both prior to the amendment and following the amendment, is directed to a nitrogen-containing heterocyclic compound that includes benzimidazole; one of the derivatives of benzimidazole, or both benzimidazole and one of the derivatives of benzimidazole.

Claims 11, 17, 19, and 20 have been amended to provide antecedent basis for the electrodes recited therein, and to change "a proton conducting compound" to "the proton-conducting compound", as suggested by the Examiner.

It is respectfully submitted that the foregoing amendments clarify the claimed subject matter, and therefore, it is respectfully requested that the rejection of the claims be withdrawn.

Claims 1, 2, 3, 5, 11-13, and 19-22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Yoshinaga *et al.* (JP4-104477, abstracts). Applicants respectfully traverse.

Claim 1 relates to an electrode for an electrochemical cell that includes an electrode material including an active material having a proton-conducting compound and a nitrogen-containing heterocyclic compound. In the electrode of Claim 1, the nitrogen-containing heterocyclic compound is one or more compounds selected from the group consisting of imidazole, triazole, pyrazole, and their derivatives. In amended claim 1, the electrode material comprises 1 to 80 parts by weight of the nitrogen-containing heterocyclic compound to 100 parts by weight of the active material. Support for this amendment is found in Claim 8, which the Examiner has identified as allowable.

The Examiner asserts that Yoshinaga discloses the electrode material as recited in the claim in the abstract. Unlike the present invention, there is no requirement in Yoshinaga that the polymer have a unit containing a nitrogen containing heterocyclic moiety. Nothing in Yoshinaga indicates that the polymer have a unit containing a nitrogen containing heterocyclic moiety. The polymers of Yoshinaga may be polyaniline, or a polythiophene. A polyaniline contains an amino substituent group but is not a "nitrogen-containing heterocyclic moiety." A polythiophene contains no N group

whatsoever but rather is a thio- or sulphur-containing heterocyclic moiety.

The Examiner asserts that Yoshinaga discloses the electrode material as recited in the claim in the abstract. Unlike the present invention, there is no requirement in Yoshinaga that the polymer have a unit containing a nitrogen containing heterocyclic moiety. Nothing in Yoshinaga indicates that the polymer have a unit containing a nitrogen containing heterocyclic moiety. The polymers of Yoshinaga may be polyaniline, or a polythiophene. A polyaniline contains an amino substituent group but is not a "nitrogen-containing heterocyclic moiety." A polythiophene contains no N group whatsoever but rather is a thio- or sulphur-containing heterocyclic moiety.

Claim 1 is amended herein to include the feature of Claim 8 of the electrode material comprising 1 to 80 parts by weight of the nitrogen-containing heterocyclic compound to 100 parts by weight of the active material. It is respectfully submitted that Yoshinaga does not disclose or suggest this feature of Claim 1, and therefore, for at least this reason, Claim 1 is allowable.

Claims 3, 5, 11-13, and 20-22 include the features of Claim 1 and are, therefore, allowable for at least the same reasons as Claim 1 is allowable.

Claim 19 has been amended in the same manner as Claim 1 and is, therefore, allowable for at least the same reasons as Claim 1 is allowable.

New Claims 24 and 25 correspond to canceled Claims 15 and 16, and include the feature of Claim 8. Therefore, each of these claims is allowable for at least the same reasons Claim 1 is allowable. Support for new Claim 23 is found in the present specification at page 26, lines 1-3.

In view of the remarks set forth above, this application is believed to be in condition for allowance, which action is respectfully requested. However, if for any

reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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